IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of	Group Art Unit: 2422
Wiatt Kettle	
Application No. 10/765,595	Examiner: LEE, Michael
Filed: January 26, 2004	
For: Fitting Video Feed to a Display Device	Confirmation No.: 1493

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to Appellants' filing of an Appeal Brief on November 1, 2010, the Examiner of this application reopened prosecution with a non-final Office Action dated **January 13, 2011**. Having reviewed the new grounds of rejection raised in the latest Office Action, Appellant requests reinstatement of the appeal in this application and files the present, updated Appeal Brief, along with a new Notice of Appeal, in support of the re-instated appeal.

I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellant is aware.

III. Status of Claims

Claims 1-31 are pending in the application and stand finally rejected. Accordingly, Appellant appeals from the final rejection of claims 1-31, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of **July 1, 2010** or the latest non-final Office Action dated **January 13, 2011**, from which Appellant takes this appeal.

V. Summary of Claimed Subject Matter

A summary is given below of the subject matter defined in each of the independent claims on appeal and the subject matter defined in any claim on appeal reciting a "means plus function" clause in accordance with the requirements of 35 C.F.R. § 41.37(c)(1)(v). The citation to passages in the specification and drawings for each claim element does not imply that the limitations from the cited passages in the specification and drawings should be read into the corresponding claim elements. *See Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004); M.P.E.P. § 2111.01(II).

By way of background and without limitation of the claims, in one embodiment, at least one marker 8 is added 28 to video feed 4. Markers 8 may be added by any method. In one example, marker locations are manually selected and markers 8 are inserted with coordinates at the desired locations. (*Appellant's specification, para. [0031]*). Markers 8 define region 10 of frame 6. Region 10 has a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of display device 2. (*Appellant's specification, para. [0032]*). Video feed 4 is transmitted 30 to display device 2. At least one marker 8 is ascertained 32, defining region 10 of frame 6. Region 10 has a horizontal to vertical ratio matching a horizontal resolution HR to vertical resolution VR ratio of display area 20 of display device 2. (*Appellant's specification, para. [0033]*).

At least one row of region 10, defined by the markers 8, is buffered 36. In one embodiment, buffering 36 of a row within the region 10 starts at marker 8 and terminates at the column defined by the formula: (vertical resolution VR of display device) * 4/3 + marker 8. (*Appellant's specification, para. [0036]*). If the vertical resolution of display device 2 matches 38 that of the incoming data stream, frame 6, after a sufficient number rows for frame 6 have arrived they may be displayed 40 without further manipulation. Otherwise, the

buffer data is routed through image processor 22 to scale 42 region 10 to scaled region 12, which matches the horizontal resolution HR to vertical resolution VR ratio of display device 2. Scaled region 12 is then displayed 40. (*Appellant's specification, para. [0037]*).

Turning now to the claims, Appellant's independent claims at issue in this appeal recite the following subject matter.

Claim 1:

A method for fitting a frame of a video feed (4) to a display device (2), the method comprising:

ascertaining at least one marker (32) defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution (HR) to vertical resolution (VR) ratio of the display device (2) (*Appellant's specification, para. [0033]*);

buffering at least one row of the region (36) defined by the at least one marker (8) and excluding rows outside the region defined by the at least one marker (8) such that the rows outside the region defined by the at least one marker (8) are simultaneously cropped from the video feed (4) (*Appellant's specification, para. [0036]*); and

displaying, on the display device (2), the region of the frame (40) defined by the at least one marker (8) (*Appellant's specification, para. [0037]*).

Claim 9:

A method for transmitting a video feed (4) to a display device (2), the method comprising:

adding, to the video feed (4), at least one marker (8) (28) defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution (HR) to vertical resolution (VR) ratio of the display device (2) (*Appellant's specification, para. [0031]*);

transmitting (30) the video feed (4) to the display device (2) (*Appellant's specification, para. [0033]*);

parsing (32) the at least one marker (8) from the video feed (4) (*Appellant's specification, para. [0033]*);

buffering at least one row of the region (36) defined by the at least one marker (8) and excluding rows outside the region defined by the at least one marker (8) such that the rows outside the region defined by the at least one marker (8) are simultaneously cropped from the video feed (4) (*Appellant's specification, para. [0036]*); and

displaying, on the display device (2), the region of the frame (40) defined by the at least one marker (8) (*Appellant's specification, para. [0037]*).

Claim 12:

A display device (2) for displaying a video feed (4), the display device (2) comprising:

a display area (20) having horizontal (HR) and vertical (VR) resolutions (*Appellant's specification, paras. [0021] and [0022]*);

a parser (14) configured to parse at least one marker (8) from the video feed (4), the at least one marker (8) defining a region of a frame of the video feed (4), the region having a horizontal to vertical ratio matching a horizontal resolution (HR) to vertical resolution (VR) ratio of the display area (20) (*Appellant's specification, paras. [0011], [0021] and [0025]*);

a buffer (16) configured to selectively store rows of the region defined by the at least one marker (8) and exclude rows outside the region defined by the at least one marker (8) such that the rows outside the region defined by the at least one marker (8) are simultaneously cropped from the video feed (4) (*Appellant's specification, paras. [0011], [0021] and [0023]*); and

a video controller (18) configured to display, in the display area (20), the buffered rows (*Appellant's specification, paras. [0021] and [0024]*).

Claim 16:

A display device (2) for displaying a video feed (4), the display device (2) comprising:

a display area (20) having horizontal (HR) and vertical (VR) resolutions (*Appellant's specification, paras. [0021] and [0022]*);

means (14) for ascertaining at least one marker (8) defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution (HR) to vertical resolution (VR) ratio of the display device (2) (*Appellant's specification, paras. [0011], [0021] and [0025]*);

a buffer (16) (*Appellant's specification, paras. [0011], [0021] and [0023]*);

means (16) for storing in the buffer (16) at least one row of the region defined by the at least one marker (8) and excluding rows outside the region defined by the at least one marker (8) such that the rows outside the region defined by the at least one marker (8) are simultaneously cropped from the video feed (4) (*Appellant's specification, paras. [0036] and [0037]*); and

means (18) for displaying, on the display device (2), the region of the frame defined by the at least one marker (8) (*Appellant's specification, paras. [0021] and [0024]*).

Claim 24:

A program storage system (26) readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for fitting a frame of a video feed (4) to a display device (2), the method comprising:

ascertaining at least one marker (8) defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution (HR) to vertical resolution (VR) ratio of the display device (2) (*Appellant's specification, para. [0033]*);

buffering at least one row of the region defined by the at least one marker (8) and excluding rows outside the region defined by the at least one marker (8) such that the rows outside the region defined by the at least one marker (8) are simultaneously cropped from the video feed (4) (*Appellant's specification, para. [0036]*); and

displaying, on the display device (2), the region of the frame defined by the at least one marker (8) (*Appellant's specification, para. [0037]*).

VI. Grounds of Rejection to be Reviewed on Appeal

The final Office Action raised the following grounds of rejection.

(1) Claims 1-4, 6-12, 14-19, 21-27, and 29-31 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0047918 to Sullivan (hereinafter Sullivan).

(2) Claims 5, 13, 20, and 28 were rejected under 5 U.S.C. § 103(a) as being unpatentable over Sullivan.

Accordingly, Appellant hereby requests review of each of these grounds of rejection in the present appeal.

VII. Argument

The claims do not stand or fall together. Instead, Appellant presents separate arguments for various independent and dependent claims. Each of these arguments is set forth below with separate headings and subheadings as required by 37 C.F.R. § 41.37(c)(1)(vii).

(1) Claims 1-4, 6-12, 14-19, 21-27, and 29-31 are patentable over *Sullivan*:

Claim 1:

Claim 1 recites:

> A method for fitting a frame of a video feed to a display device, the method comprising:
> ***ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***;
> buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
> ***displaying, on the display device, the region of the frame defined by the at least one marker***.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 1.

First, Sullivan fails to teach or suggest, "***ascertaining at least one marker*** defining a region of the frame, . . . and displaying, on the display device, the region of the frame defined by the at least one marker." (Claim 1). The Office Action argues, "Sullivan discloses an identifying step (604) for identifying a region of an image to be displayed on a display, which meets the ascertaining step as claimed." (Office Action, p. 3). Appellant respectfully disagrees.

Sullivan teaches the following:

> The procedure 600 identifies a particular display region to display on a video display device (***block 604***). For example, ***a user of the video display device may select the particular display region based on the user's viewing preferences***. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular display region, and is silent regarding ascertaining a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of ***Sullivan teaches the opposite*** when it teaches that ***a user selects*** a particular display region based on user preferences and that the "identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves)." (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Second, Sullivan fails to teach or suggest, "ascertaining at least one marker defining a region of the frame, ***the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***." (Claim 1) (emphasis added). The final Office Action fails to address this recitation specifically. For at least this reason, the rejection of claim 1 should not be sustained. Further, Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the

video display. For at least this additional reason, the rejection of claim 1 should not be sustained.

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 1, the rejection of claim 1 and its dependent claims should not be sustained.

Claim 9:

Claim 9 recites:

> A method for transmitting a video feed to a display device, the method comprising:
> ***adding, to the video feed, at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***;
> transmitting the video feed to the display device;
> ***parsing the at least one marker from the video feed***;
> buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

> displaying, on the display device, the region of the frame defined by the at least one marker.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 9.

First, Appellant respectfully asserts that Sullivan fails to teach or suggest, "***parsing*** the at least one marker from the video feed . . . and displaying, on the display device, the region of the frame ***defined by the at least one marker***." (Claim 9) (emphasis added). The Office Action does not address the above recitation directly in connection with claim 9. For this reason alone, the rejection of claim 9 should not be sustained. However, in rejecting claim 2, the Office Action argues, "Sullivan discloses ***an inherently included parsing step*** for separate region identifiers from the video content (note paragraph 0046)." (Office Action, p. 3) (emphasis added). Appellant respectfully disagrees.

Sullivan teaches the following:

> The procedure 600 identifies a particular display region to display on a video display device (***block 604***). For example, ***a user of the video display device may select the particular display region based on the user's viewing preferences***. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

Sullivan simply teaches that a user can select a particular predefined display region for viewing, and is silent regarding parsing video content for a marker. In fact, because the system of Sullivan provides for user-selection of a particular display region, and because the Sullivan device only provides predefined display regions, ***Sullivan teaches away from parsing*** a video feed for a marker. This is clear since no marker is required to be parsed within the ***predefined***, ***user-selectable*** display regions of Sullivan.

Second, Sullivan fails to teach or suggest, "at least one marker defining a region of the frame, the region having a horizontal to vertical ratio ***matching a horizontal resolution to vertical resolution ratio of the display device***." (Claim 9) (emphasis added). Again, the final Office Action fails to address this recitation specifically. For at least this reason, the rejection of claim 9 should not be sustained. Further, Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the video display. For at least this additional reason, the rejection of claim 9 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 9, the rejection of claim 9 and its dependent claims should not be sustained.

Claim 12:

Claim 12 recites:

> A display device for displaying a video feed, the display device comprising:
> a display area having horizontal and vertical resolutions;
> ***a parser configured to parse at least one marker from the video feed, the at least one marker defining a region of a frame of the video feed, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display area***;
> a buffer configured to selectively store rows of the region defined by the at least one marker and exclude rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
> a video controller configured to display, in the display area, the buffered rows.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 12

First, Appellant respectfully asserts Sullivan does not teach or suggest, "a ***parser*** configured to parse at least one marker from the video feed." (Claim 12) (emphasis added). The Office Action does not address the above recitation directly in connection with claim 12. For this reason alone, the rejection of claim 12 should not be sustained. However, in rejecting claim 2, the Office Action argues, "Sullivan discloses ***an inherently included parsing step*** for separate region identifiers from the video content (note paragraph 0046)." (Office Action, p. 3) (emphasis added). Appellant respectfully disagrees. As similarly argued above in connection with independent claim 9, Sullivan simply teaches that a user can select a particular predefined display region for viewing, and is silent regarding parsing video content for a marker. (*See*, Sullivan, ,para. [0046]). In fact, because the system of Sullivan provides for user-selection of a particular display region, and because the Sullivan device only provides predefined display regions, ***Sullivan teaches away from parsing*** a video feed for a marker. This is clear since no marker is required to be parsed within the ***predefined, user-selectable*** display regions of Sullivan.

Second, Appellant respectfully asserts that Sullivan does not teach or suggest, "[a] region having a horizontal to vertical ratio ***matching a horizontal resolution to vertical resolution ratio of the display area***." (Claim 12) (emphasis added). Again, the final Office Action fails to address this recitation of claim 12 specifically. For at least this reason, the rejection of claim 12 should not be sustained. Further, as similarly argued above in connection with claim 9, Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the video display. For at least this additional reason, the rejection of claim 12 should not be sustained.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 12, the rejection of claim 12 and its dependent claims should not be sustained.

Claim 16:

Claim 16 recites:

> A display device for displaying a video feed, the display device comprising:
> a display area having horizontal and vertical resolutions;
> ***means for ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***;
> a buffer;
> means for storing in the buffer at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
> ***means for displaying, on the display device, the region of the frame defined by the at least one marker***.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 16.

First, Sullivan fails to teach or suggest, "***means for ascertaining at least one marker*** defining a region of the frame, . . . and means for displaying, on the display device, the region of the frame defined by the at least one marker." (Claim 16). Again, the Office Action argues, "Sullivan discloses an identifying step (604) for identifying a region of an image to be displayed on a display, which meets the ascertaining step as claimed." (Office Action, p. 3). Appellant respectfully disagrees. As similarly argued above in connection with independent claim 1, Sullivan simply teaches that a user can select a particular display region, and is silent regarding ascertaining a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of ***Sullivan teaches the opposite*** when it teaches that ***a user selects*** a particular display region based on user preferences and that the "identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves)." (*Id.*) (emphasis added). Although Sullivan teaches, here, that

data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Second, Sullivan fails to teach or suggest, "means for ascertaining at least one marker defining a region of the frame, ***the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***." (Claim 16) (emphasis added). Again, the final Office Action fails to address this recitation specifically. For at least this reason, the rejection of claim 16 should not be sustained. Further, Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the video display. For at least this additional reason, the rejection of claim 16 should not be sustained.

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim.

Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 16, the rejection of claim 16 and its dependent claims should not be sustained.

Claim 24:

Claim 24 recites:

> A program storage system readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for fitting a frame of a video feed to a display device, the method comprising:
>
> ***ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***;
>
> buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and
>
> ***displaying, on the display device, the region of the frame defined by the at least one marker***.

(Emphasis added).

In contrast, Sullivan does not teach or suggest the subject matter of claim 24.

First, Sullivan fails to teach or suggest, "***ascertaining at least one marker*** defining a region of the frame, . . . and displaying, on the display device, the region of the frame defined by the at least one marker." (Claim 24). Again, the Office Action argues, "Sullivan discloses an identifying step (604) for identifying a region of an image to be displayed on a display, which meets the ascertaining step as claimed." (Office Action, p. 3). Appellant respectfully disagrees. As similarly argued above in connection with independent claim 1, Sullivan simply teaches that a user can select a particular display region, and is silent regarding ascertaining a marker within the video content. In fact, rather than utilizing a marker defining a region of a frame of a video feed, the system of ***Sullivan teaches the opposite*** when it teaches that ***a user selects*** a particular display region based on user preferences and

that the "identified display region is defined by data included in or transmitted with the video content and ***may change locations from one frame to the next*** (e.g., as a character moves)." (*Id.*) (emphasis added). Although Sullivan teaches, here, that data is included with the video content, it is clear that no markers are ascertained in fitting a frame of a video feed to a display device within the Sullivan reference.

Second, Sullivan fails to teach or suggest, "ascertaining at least one marker defining a region of the frame, ***the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device***." (Claim 24) (emphasis added). Again, the final Office Action fails to address this recitation specifically. For at least this reason, the rejection of claim 24 should not be sustained. Further, Appellant respectfully argues that Sullivan simply teaches in Fig. 4 that all the four display regions or views (402, 404, 406, 408) presents a different portion of the original video image on the video display with dimensions that ***do not match*** the ***horizontal resolution to vertical resolution ratio*** of the video display. For at least this additional reason, the rejection of claim 24 should not be sustained.

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating claim 24, the rejection of claim 24 and its dependent claims should not be sustained.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claims 2, 17, and 25:

Claim 2 recites, "[t]he method of claim 1 wherein ascertaining at least one marker includes ***parsing out the at least one marker*** from the video feed." (Claim 2) (emphasis added). Similarly, claim 17 recites, "[t]he display device of claim 16 wherein the means for ascertaining at least one marker includes ***means for parsing out the at least one marker*** from the video feed." (Claim 17) (emphasis added). Further, claim 25 similarly recites, "[t]he program storage system of claim 24 wherein ascertaining at least one marker includes ***parsing out the at least one marker*** from the video feed." (Claim 25) (emphasis added). In contrast, Sullivan does not teach or suggest, "parsing out the at least one marker," or similar subject matter.

In rejecting claim 2, the Office Action argues, "Sullivan discloses ***an inherently included parsing step*** for separate region identifiers from the video content (note paragraph 0046)." (Office Action, p. 3) (emphasis added). Appellant respectfully disagrees.

Sullivan teaches the following:

> The procedure 600 identifies a particular display region to display on a video display device (***block 604***). For example, ***a user of the video display device may select the particular display region based on the***

> ***user's viewing preferences***. The procedure then decodes the encoded video content (block 606). Finally, the identified display region is displayed on the video display device (block 608). The identified display region is defined by data included in or transmitted with the video content and may change locations from one frame to the next (e.g., as a character moves).

(Sullivan, para. [0046]) (emphasis added).

However, as similarly argued above in connection with independent claim 9, Sullivan simply teaches that a user can select a particular predefined display region for viewing, and is silent regarding parsing video content for a marker. In fact, because the system of Sullivan provides for user-selection of a particular display region, and because the Sullivan device only provides predefined display regions, ***Sullivan teaches away from parsing*** a video feed for a marker. This is clear since no marker is required to be parsed within the ***predefined***, ***user-selectable*** display regions of Sullivan.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown ***in as complete detail as contained in the ... claim***." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)).

In the present case, Sullivan clearly does not disclose the claimed invention with each and every claimed element in the same amount of detail or as arranged in the claim. Consequently, because Sullivan clearly fails to satisfy the requirements for anticipating

claims 2, 17, and 25, the rejection of claims 2, 17, and 25 and its dependent claims should not be sustained.

(2) Claims 5, 13, 20, and 28 are patentable over *Sullivan*:

The rejection of claims 5, 13, 20, and 28 should be reconsidered and withdrawn for at least the same reasons given above in favor of the patentability of the independent claims.

In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of **January 13, 2011** is respectfully requested.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

1. (previously presented) A method for fitting a frame of a video feed to a display device, the method comprising:

ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

2. (original) The method of claim 1 wherein ascertaining at least one marker includes parsing out the at least one marker from the video feed.

3. (original) The method of claim 2 wherein parsing out the at least one marker from the video feed includes parsing out the at least one marker from a header of the video feed.

4. (original) The method of claim 1 wherein ascertaining at least one marker includes fixing the at least one marker for each video feed.

5. (original) The method of claim 1 wherein ascertaining at least one marker includes ascertaining a single marker defining a first corner of the region and calculating from the single marker and the horizontal resolution to vertical resolution ratio a second corner opposite the first corner of the region.

6. (original) The method of claim 1 wherein ascertaining at least one marker includes ascertaining two markers defining opposite corners of the region.

7. (original) The method of claim 1 further including, scaling the region to fit the horizontal and vertical resolution of the display.

8. (original) The method of claim 1 wherein buffering at least one row of the region includes buffering each row of the region.

9. (previously presented) A method for transmitting a video feed to a display device, the method comprising:

adding, to the video feed, at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

transmitting the video feed to the display device;

parsing the at least one marker from the video feed;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows

outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

10. (original) The method of claim 9 wherein adding at least one marker includes adding a single marker defining a first corner of the region.

11. (original) The method of claim 9 wherein adding at least one marker includes adding two markers defining opposite corners of the region.

12. (previously presented) A display device for displaying a video feed, the display device comprising:

a display area having horizontal and vertical resolutions;

a parser configured to parse at least one marker from the video feed, the at least one marker defining a region of a frame of the video feed, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display area;

a buffer configured to selectively store rows of the region defined by the at least one marker and exclude rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

a video controller configured to display, in the display area, the buffered rows.

13. (original) The display device of claim 12 wherein the at least one marker includes a single marker defining a first corner of the region and further including a processing system configured to calculate from the single marker and the horizontal resolution to vertical resolution ratio a second corner opposite the first corner of the region.

14. (original) The display device of claim 12 wherein the at least one marker includes two markers defining opposite corners of the region.

15. (original) The display device of claim 12 further including an image processor configured to scale the region to fit the horizontal and vertical resolution of the display.

16. (previously presented) A display device for displaying a video feed, the display device comprising:

a display area having horizontal and vertical resolutions;

means for ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

a buffer;

means for storing in the buffer at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

means for displaying, on the display device, the region of the frame defined by the at least one marker.

17. (original) The display device of claim 16 wherein the means for ascertaining at least one marker includes means for parsing out the at least one marker from the video feed.

18. (original) The display device of claim 17 wherein the means for parsing out the at least one marker from the video feed includes means for parsing out the at least one marker from a header of the video feed.

19. (original) The display device of claim 16 wherein the means for ascertaining at least one marker includes means for fixing the at least one marker for each video feed.

20. (original) The display device of claim 16 wherein the means for ascertaining at least one marker includes means for ascertaining a single marker defining a first corner of the region and means for calculating from the single marker and the horizontal resolution to vertical resolution ratio a second corner opposite the first corner of the region.

21. (original) The display device of claim 16 wherein the means for ascertaining at least one marker includes means for ascertaining two markers defining opposite corners of the region.

22. (original) The display device of claim 16 further including, means for scaling the region to fit the horizontal and vertical resolution of the display.

23. (original) The display device of claim 16 wherein the means for buffering at least one row of the region includes means for buffering each row of the region.

24. (previously presented) A program storage system readable by a computer, tangibly embodying a program, applet, or instructions executable by the computer to perform method steps for fitting a frame of a video feed to a display device, the method comprising:

ascertaining at least one marker defining a region of the frame, the region having a horizontal to vertical ratio matching a horizontal resolution to vertical resolution ratio of the display device;

buffering at least one row of the region defined by the at least one marker and excluding rows outside the region defined by the at least one marker such that the rows outside the region defined by the at least one marker are simultaneously cropped from the video feed; and

displaying, on the display device, the region of the frame defined by the at least one marker.

25. (original) The program storage system of claim 24 wherein ascertaining at least one marker includes parsing out the at least one marker from the video feed.

26. (original) The program storage system of claim 25 wherein parsing out the at least one marker from the video feed includes parsing out the at least one marker from a header of the video feed.

27. (original) The program storage system of claim 24 wherein ascertaining at least one marker includes fixing the at least one marker for each video feed.

28. (original) The program storage system of claim 24 wherein ascertaining at least one marker includes ascertaining a single marker defining a first corner of the region and calculating from the single marker and the horizontal resolution to vertical resolution ratio a second corner opposite the first corner of the region.

29. (original) The program storage system of claim 24 wherein ascertaining at least one marker includes ascertaining two markers defining opposite corners of the region.

30. (original) The program storage system of claim 24 further including, scaling the region to fit the horizontal and vertical resolution of the display.

31. (original) The program storage system of claim 24 wherein buffering at least one row of the region includes buffering each row of the region.

IX. Evidence Appendix

None

X. Related Proceedings Appendix

None